

1 Brent Dorian Brehm – SBN 248983  
2 Email: bbrehm@kantorlaw.Net  
3 Kantor & Kantor, LLP  
4 19839 Nordhoff Street  
5 Northridge, Ca 91324  
6 Telephone: (818) 886-2525  
7 Facsimile: (818) 350-6272

8 PHILIP G. FAIRBANKS (KY Bar 91994) (admitted *pro hac vice*)  
9 Mehr, Fairbanks & Peterson  
10 Trial Lawyers, PLLC  
11 201 West Short Street, Suite 800  
12 Lexington, Kentucky 40507  
13 Telephone: (859) 225-3731  
14 Facsimile: (859) 225-3830

15 Attorneys for Plaintiff  
16 Robert Wiedo

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 ROBERT WIEDO,

20 Plaintiff,

21 vs.

22 SECURIAN LIFE INSURANCE COMPANY,  
23 et al.

24 Defendant.

CASE NO. 20-cv-06203-RS

JOINT STIPULATION AND ORDER FOR  
PLAINTIFF TO FILE AMENDED  
COMPLAINT and  
DENYING AS MOOT, AND WITHOUT  
PREJUDICE, 1) DEFENDANT MCKESSON  
CORPORATION'S MOTION TO DISMISS  
FIRST AMENDED COMPLAINT OR IN THE  
ALTERNATIVE FOR A MORE DEFINITE  
STATEMENT, MOTION TO STRIKE  
PLAINTIFF'S JURY DEMAND, AND  
INCORPORATED MEMORANDUM OF  
POINTS AND AUTHORITIES (Doc. 52) and  
2) DEFENDANT MCKESSON  
CORPORATION LIFE AND ACCIDENTAL  
DEATH & DISMEMBERMENT PLAN'S  
MOTION TO DISMISS FIRST AMENDED  
COMPLAINT, MOTION TO STRIKE JURY  
DEMAND, AND INCORPORATED  
MEMORANDUM OF POINTS AND  
AUTHORITIES (Doc. 53)

1  
2 TO THE HONORABLE RICHARD SEEBORG:

3 PLEASE TAKE NOTICE that Plaintiff Robert Wiedo (“Plaintiff”) and Defendants  
4 Securian Life Insurance Company, McKesson Corporation, and McKesson Corporation Life and  
5 Accidental Death & Dismemberment Plan (“Defendants”) stipulate and agree pursuant to Civil  
6 Rule 15(a)(2) that Plaintiff shall file an amended complaint on or before November 13, 2020. The  
7 parties further stipulate and agree that Defendant McKesson Corporation’s Motion to Dismiss  
8 First Amended Complaint or in the Alternative For a More Definite Statement, and Motion to  
9 Strike Jury Demand (Doc. 52) and Defendant McKesson Corporation Life and Accidental Death  
10 & Dismemberment Plan’s Motion to Dismiss First Amended Complaint, Motion to Strike  
11 Plaintiff’s Jury Demand, and Incorporated Memorandum of Points and Authorities (Doc. 53) (the  
12 “Motions”), shall be denied as moot, without prejudice to Defendants’ right to re-raise any  
13 arguments made in the Motions, based on the following facts:

- 14 1. Defendants filed the Motions on October 15, 2020.
- 15 2. Counsel for Plaintiff and Counsel for Defendants have met and conferred in an attempt  
16 to resolve the issues raised in the Motions without the necessity of Court intervention.
- 17 3. Counsel have agreed that Plaintiff will file an amended complaint on or before  
18 November 13, 2020, which would moot the Defendants’ pending motions.
- 19 4. The parties further agree that it is without prejudice to the Defendants’ right to re-raise  
20 any issues raised in the Motions at a later date, if necessary.

21 IT IS THEREFORE STIPULATED and agreed by and between the parties that Plaintiff  
22 shall file an amended complaint on or before November 13, 2020, and that Defendants’ pending  
23 Motions shall be denied as moot, without prejudice to Defendants’ right to re-raise any arguments  
24 made in the Motions at a later date, if necessary.

1 DATED: November 6, 2020

Mehr, Fairbanks & Peterson  
Trial Lawyers, PLLC

3 By: /s/ Philip G. Fairbanks  
4 Philip G. Fairbanks  
5 Attorneys for Plaintiff Robert Wiedo

6 DATED: November 6, 2020

McDowell Heatherington LLP

7 By: /s/ Kristina B. Pett  
8 Kristina B. Pett  
9 Attorneys for Defendants  
10 McKesson Corporation,  
11 McKesson Corporation Life and Accidental  
12 Death & Dismemberment Plan, and  
13 Securian Life Insurance Company

MEHR, FAIRBANKS & PETERSON TRIAL LAWYERS PLLC  
201 West Short St., Ste. 800  
Lexington, Kentucky 40507  
(859) 225-3731

1           **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Court orders that Plaintiff  
2 shall file an amended complaint on or before November 13, 2020. The Court orders that  
3 Defendants' motions to dismiss, motion for a more definite statement, and motions to strike jury  
4 demand (Doc. 52 and Doc. 53) are denied as moot, without prejudice to Defendants' right to re-raise  
5 any issues argued in those Motions at a later date, if necessary.  
6

7  
8 DATED: November 6, 2020



Hon. Richard Seeborg  
U.S. DISTRICT COURT JUDGE